

remaining claims to be completed in the coming 6-8 weeks. We will update you when all claims are complete.

From: Prible, John M.
To: Gartrell, Peter (Aging)
Cc: Hartman, Doug (Aging); Shakow, Peter
Subject: RE: Follow Up on
UnitedHealthcare's Response
Date: Friday, January 14, 2022 5:12:29 PM

Peter, thank you for your recent email, in which you asked for an update on our voluntary efforts to retroactively increase reimbursement to \$40 for COVID-19 vaccine administration. Answers to your questions are provided below; however, we expect that this confidential information will not be shared with third parties.

To date, we have retroactively reimbursed providers for 1,640,996 claims, or more than 99.8% of all affected claims. The average additional payment for those claims was \$14.55, for a total of approximately \$23.9 million in additional payments. At this time, fewer than 2,900 claims (less than 0.2% percent of all affected claims) remain to be reprocessed. Because the original paid amount on those remaining claims averaged about \$36, the average additional reimbursement to be paid will be about \$4. Those remaining reimbursements continue to be prioritized and sent out the door. We anticipate those few remaining claims will be completed by February 1, 2022.

We note that you asked for claims and payment data by state. There are a few reasons we are not able to cut this data cleanly by state, including that providers submit claims via tax identification numbers (TIN), many of which cover physicians (and therefore claims) from multiple states.

You also asked for additional information about how we will shorten the adoption time of new rates in this or a future national public health emergency (NPHE). As we stated previously, contracts between United and its network provider groups specifically provide for time to implement new rates in an orderly way. We understand this to be routine across the industry, understood and long accepted by the provider community, and entirely proper. If there is another NPHE or there are exceptional circumstances which dictate more timely adoption of new rates, we have learned over the past few months the required technology and human resources that need to be brought forward to accelerate. As a point of reference, should circumstances justify it, we commit to implement new codes in an NPHE faster than industry standard.

JOHN PRIBLE,
Vice President, External Affairs,
UnitedHealth Group.

MIGRATORY BIRD TREATY ACT

Mr. BARRASSO. Mr. President, I often hear from people in Wyoming who are concerned about the changes being proposed in Washington, DC. When the Federal Government changes the rules, authorities, or standards, it can significantly impact critical Wyoming industries.

In the "Wyoming Livestock Roundup," a weekly news source for Wyoming's ranchers, farmers, and Agribusiness community, Sarah L. Falen authored an opinion editorial titled "The Government's Word: Should We Trust It."

She raises concerns about the Biden administration's rule revoking the Trump administration policy prohibiting prosecution for accidentally

harming migratory birds under the Migratory Bird Treaty Act. While there has been a lot of discussion about the impact on the energy industries, Sarah Falen points out how the new rule could affect the agriculture industry. It is important that Congress note these consequences and the uncertainty created by the Biden administration's rule.

Mr. President, I ask unanimous consent to have printed in the RECORD the opinion editorial written by Sarah L. Falen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT'S WORD: SHOULD WE TRUST IT?

(By Sarah L. Falen)

Americans trust the U.S. government less and less. In fact, according to the Edelman Trust Barometer, trust in the federal government hovers around 40%. Yet, with the revocation of the Trump Administration's rule that prohibits prosecution for accidentally harming migratory birds under the Migratory Bird Treaty Act (MBTA), the Biden Administration is asking citizens to do just that, "trust" the federal government.

People involved in industries such as energy or agriculture have a clear understanding of how environmental legislation, originally passed with the best intention, has been weaponized to negatively affect their livelihoods. One of the lesser known, but just as dangerous environmental swords is the MBTA. While it is easy to see that energy industries, such as oil and gas, wind or even solar would be impacted by the Biden decision, this Act has the potential for very serious impacts on the agriculture industry.

The MBTA is a statute that allows for the criminal prosecution of any person who "incidentally takes" a migratory bird. To understand the breath of this Act, there are two important concepts. First, nearly all birds in the U.S. are considered migratory. Second, what constitutes an "incidental take." The MBTA states that "it [is] unlawful at any time, . . . to pursue, hunt, take, capture, kill, . . . any migratory bird . . ." 16 U.S.C. 703(a). If you read that language, it would make sense that this Act is referring to someone who intends to kill a migratory bird. That commonsense reading is what the Trump MBTA rule enforced . . . only those engaged in an action that purposefully "takes" a migratory bird would be subject to fines and prison time. This is not how the Biden Administration reads that language.

According to the Biden Administration, even if a person is doing something that accidentally harms a migratory bird, that person can still be criminally liable. Thus, someone can be prosecuted for an action or inaction that is otherwise legal, but just so happens to "take" a migratory bird.

We should all be concerned about the Biden Administration allowing "incidental take" to be prosecuted because there is no limit on what can be prosecuted. This means that if a farmer uses a pesticide that is legally administered and a migratory bird just so happens to ingest that pesticide, he could be subject to criminal prosecution. The MBTA allows for up to a \$5,000 fine or six months in prison for an incidental take.

The scenarios under which a person can accidentally kill a migratory bird are infinite and can be ridiculous. Yet, the government expects us to believe that they will only prosecute "foreseeable" accidental killings of migratory birds. It is foreseeable that a bird can ingest a legally administered pes-

ticide. Are farmers now risking prison time for growing the food that feeds America and the world?

The Biden Administration has entertained the idea of an "incidental take permit" that might remove some of the liability for birds that are accidentally killed, however they have not developed the idea enough to know what the permit would look like. There aren't any standards for what actions would be exempt from liability under the permit system and the MBTA office doesn't have enough staff to begin handling the undoubtedly thousands of permit applications they will receive.

The government has often implemented rules, promising it will not take advantage of its authority, but time after time this has proven to be just a way to get a rule approved or legislation passed. From wolves and grizzly bears to ever changing definitions of "navigable waters," the government has proven that its word should not be trusted and the MBTA is no exception.

PUBLIC SERVICE REVIEW

Mr. WICKER. For all who are looking for encouragement about the future of our country, I want to call attention to the Fall 2021 issue of "Public Service Review," produced by the Stennis Center for Public Service and available at www.stennis.gov. "Public Service Review" features rising young leaders across the country sharing their own experiences, insights, and aspirations as they engage in public service, both in their communities and around the world. The commitment of these future leaders to keeping our Nation strong and free is truly inspiring.

The eight authors featured in the fall 2021 issue are Alexis Eberlein of Ohio University, Sarah Glaser of the University of South Florida, Hannah Krawczyk of Auburn University, Mia Robertson of Mississippi State University, Alanna Cronk of Georgetown University, Katie Medford of Harvard University, Preeti Chemiti of Princeton University, and Amitoj Kaur of Miami University.

"Public Service Review" provides young leaders a platform to share stories of both challenge and hope as they focus on causes that draw their unique passions. Their stories are hopegiving to those of us currently engaged in public service and offer valuable perspectives for younger students looking to become involved.

On behalf of my colleagues and fellow members of the Stennis Center Board of Trustees, U.S. Senator CHRIS COONS, Tom Daffron, U.S. Representative TERRI SEWELL, and former U.S. Representatives Martha Roby and Gregg Harper, I commend the Stennis Center for this excellent publication and encourage its wide distribution to audiences of all ages.

TRIBUTE TO LINDA WILSON

Ms. MURKOWSKI. Mr. President, I rise today to recognize and congratulate Linda Wilson, who recently retired from the U.S. Department of Education after over 33 years of service to the American people.